



City of NORFOLK

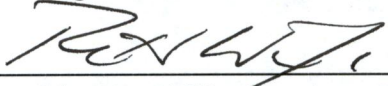
C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

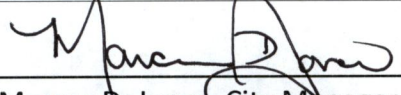
February 24, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Rezoning from R-8 to Conditional R-11**

Reviewed: 
Ronald H. Williams, Jr., Deputy City
Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: PH-1

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Conditional Change of Zoning from R-8 (Single-Family) to conditional R-11 (Multi-Family) in order to build a parking lot and bring the existing use in to compliance with zoning regulations.
- IV. **Applicant:** Don MacLennan
- V. **Description**
 - This request would allow for the rezoning of an existing lot, in order to accommodate the construction of a parking lot and bring the site into compliance with *Zoning Ordinance* requirements.
 - At the request of the applicant, this item was continued from the December public hearing in order to allow for continued dialog between the applicant and the civic league.
 - The applicant has also proffered that the use of the property shall be restricted to congregant housing containing no more than 26 units.

Staff point of contact: Ashton Jones at 664-7470, ashton.jones@norfolk.gov

Attachments:

- Staff Report to CPC dated January 22, 2015 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

January 22, 2015

From: Ashton Jones, AICP *AJ*
City Planner II

Subject: Change of zoning from R-8
(Single-Family) to conditional R-11
(Multi-Family) on property located
at 113-127 E 40th St – **Lydia H.
Roper Home**

Reviewed: Leonard M. Newcomb III, CFM, *LNN*
Land Use Services Manager

Ward/Superward: 2/6

Approved: *for* *George M. Homewood III*
George M. Homewood, AICP, CFM
Planning Director

Item Number: C-2

I. **Recommendation:**

Staff recommends approval, provided the conditions necessary to ensure appropriate development and the consistency with *plaNorfolk2030* are applied.

II. **Applicant:** Don MacLennan

III. **Description:**

This request would allow an existing residential assisted-living home to construct a 9 space parking lot.

IV. **Analysis**

The property is located at 113-127 E 40th St within the Colonial Place/Riverview neighborhood.

Plan Analysis

- *plaNorfolk2030* designates this site as residential mixed.
 - The Identifying Land Use Strategies chapter of *plaNorfolk2030* identifies the residential mixed land use category as a location for a variety of housing types developed with buildings that create a walkable environment and that are similar in scale no matter the use.
- Given that this site is already developed with a multi-family structure that fits with the scale of the surrounding development, the proposed rezoning is consistent with *plaNorfolk2030*.

Zoning Analysis

- The site is within the Colonial Place/Riverview neighborhood, an area developed with single-family homes, commercial and multi-family.
- The Lydia H. Roper Home is defined in the *Zoning Ordinance* as Congregate Housing.
 - The site is currently zoned R-8 (single family) which does not permit Congregate Housing.
- The use has been in operation since the 1920's and is a legally nonconforming use.
- The applicant is proposing to expand the use by constructing a parking lot adjacent to the building to the south.
- This application allows the Lydia H. Roper Home to come into compliance by changing the zoning to a district which allows the use and in so doing, provide off-street parking.
- The conditions of this rezoning will be such that the use will be restricted to congregate housing containing no more than 26 units.

Parking Analysis

Currently the site provides no onsite parking. The construction of this parking lot will bring the use into compliance with city parking requirements as detailed in Chapter 15 of the City of Norfolk Zoning Ordinance.

Trip Generation Analysis

No additional trips are forecast related to the proposed construction of a parking lot for the existing use on this site.

V. Financial Impact

The property is exempt from property tax.

VI. Environmental

The requirements of site plan review will ensure that the parking lot is screened appropriately and that impacts to the surrounding neighborhood will be minimized.

VII. Community Outreach/Notification

- Legal notice was posted on the property on November 4.
- Letter was sent to the Colonial Place/Riverview Civic League on December 2.
- Letters were mailed to all property owners within 300 feet of the property on November 26.
- Legal notification was placed in *The Virginian-Pilot* on November 27 and December 4.

VIII. Coordination/Outreach

This letter has been coordinated with the Department of City Planning and the City Attorney's Office.

Supporting Material from the Department of City Planning:

- Proffered Conditions
- Location Map
- Zoning Map
- Application
- Letter to civic league
- Letters of opposition from the civic league

Proponents and Opponents

Proponents

Don MacLennan – Applicant
1317 Executive Blvd., Suite 150
Chesapeake, VA 23320

Opponents

John Kennedy
3843 Beach Ave
Norfolk, VA 23504

Form and Correctness Approved 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTIES LOCATED AT 113 TO 127 EAST 40TH STREET FROM R-8 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO CONDITIONAL R-11 (MULTI-FAMILY RESIDENTIAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the properties located at 113 to 127 East 40th Street are hereby rezoned from R-8 (Single-Family Residential) to conditional R-11 (Multi-Family Residential) District. The properties are more fully described as follows:

Properties fronting 270 feet, more or less, along the southern line of East 40th Street and 139 feet, more or less, along the western line of Columbus Avenue; premises numbered 113 to 127 East 40th Street.

Section 2:- That the properties rezoned by this ordinance shall be subject to the following condition:

- (a) The use of the property shall be restricted to congregant housing containing no more than 26 units.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

Lydia H. Roper Home Rezoning – 113-127 E. 40th Street
Proffered Condition

1. The use will be restricted to congregate housing containing no more than 26 units.

Property Owner/Authorized Agent: _____

Signature: _____ Date: _____

Location Map

**VIRGINIA UNITED METHODIST HOMES –
LYDIA H. ROPER HOME**

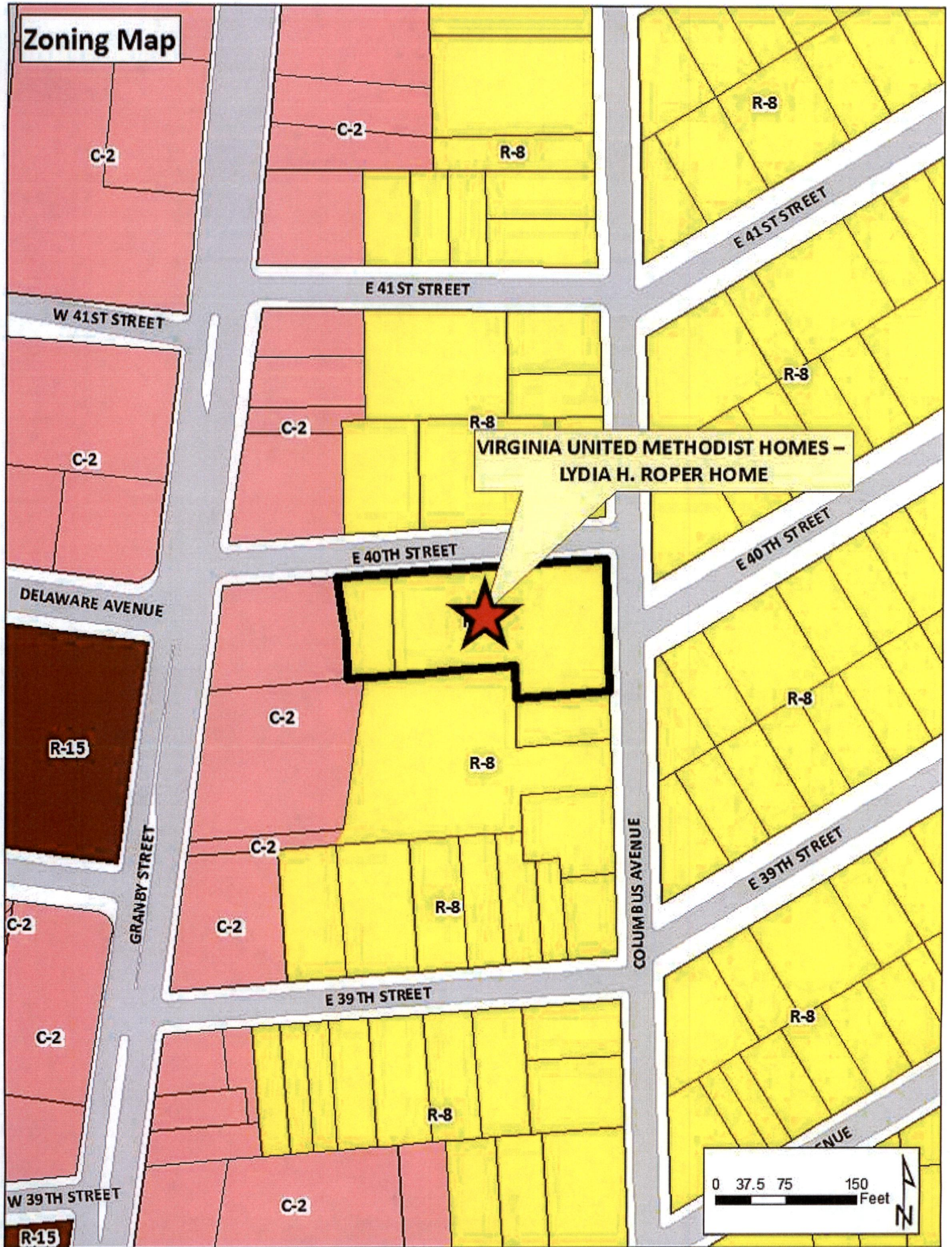
E 40TH STREET

COLUMBUS AVENUE

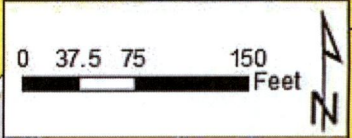
0 12.5 25 50
Feet



Zoning Map



VIRGINIA UNITED METHODIST HOMES -
LYDIA H. ROPER HOME





APPLICATION CONDITIONAL CHANGE OF ZONING

Date of application: Decemehr 1

Conditional Change of Zoning

From: R-8 Zoning To: Conditional R-11 Zoning

DESCRIPTION OF PROPERTY

Property location: (Street Number) 127 (Street Name) E 40th Street

Existing Use of Property: Lydia H Roper Home- Womens assisted living facility

Current Building Square Footage 7,174

Proposed Use New off street 9 car parking lot

Proposed Building Square Footage

Trade Name of Business (If applicable)

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) MacLennan (First) Don (MI) W

Mailing address of applicant (Street/P.O. Box): 1317 Executive Blvd, Suite 150

(City) Chesapeake (State) VA (Zip Code) 23320

Daytime telephone number of applicant (757) 410 7436 Fax (757) 220 8994

E-mail address of applicant: don.maclennan@aesva.com

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)

**Conditional Rezoning
Page 2**

2. Name of property owner: (Last) Bottone (First) Richard (MI)

Mailing address of property owner (Street/P.O. box): 7113 Three Chopt Rd, Suite 300

(City) Richmond (State) VA (Zip Code) 23226

Daytime telephone number of owner (BO4) 474 8706 Fax number (BO4) 474 8723

CIVIC LEAGUE INFORMATION

Civic League contact: James Gregg - Colonial Place/Riverview Civic League

Date(s) contacted: Oct 20, 2014

Ward/Super Ward information: Ward 2 Superward 6

REQUIRED ATTACHMENTS

- ✓ Required application fee, **\$705.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
 - If accompanied with a necessary map amendment to the City's adopted general plan, *plaNorfolk2030*, an additional technology surcharge of **\$5** will be required.
- ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- ✓ Proffered conditions.
- ✓ Description and details of the operation of the business (i.e., # of employees, # of bays, reason for rezoning, etc...)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: DONALD MACLENNAN Sign: D.W. MacLennan 12/05/14
(Property Owner or Authorized Agent Signature) (Date)

Print name: _____ Sign: _____ / _____ / _____
(Applicant or Authorized Agent Signature) (Date)

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810 Union Street, Room 508

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(Revised July, 2013)

PROFERRED CONDITIONS

1)	The property will be limited to 26 units.
2)	The only uses permitted on the property is congregate housing
3)	
4)	
5)	
6)	
7)	
8)	

SIGNED:

_____/_____/_____
(Applicant signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July, 2013)



December 2, 2014

James Gregg
President, Colonial Place/Riverview Civic League
PO Box 6130
Norfolk, VA 23508

Dear Mr. Gregg,

The Planning Department has received an application for a rezoning from R-8 (Single-Family) to Conditional R-11 (Multi-Family) at 127 E 40th Street. This item is tentatively scheduled for the December 11, 2014 City Planning Commission public hearing.

Summary

This request would allow the Lydia H. Roper Home, currently operating on the site, to expand by constructing a parking lot with 9 spaces. The rezoning would bring the current use with proposed expansion into compliance.

If you would like additional information on the request, you may contact the applicant, Don MacLennan, at (757) 410-7436 or you may contact me at ashton.jones@norfolk.gov or (757) 664-7470. A copy of the application is enclosed.

Sincerely,


Ashton Jones, AICP
City Planner II

cc: Vanessa Seals, Neighborhood Development Specialist
Vanessa.Seals@norfolk.gov or (757) 823-4357



Colonial Place/Riverview Civic League

P. O. Box 6130
Norfolk, VA 23508

President
James Gregg
(757) 489-8968
president@cprv.net

November 25, 2014

Donald MacLennan, P.E.
Vice President/Principal
AES Consulting Engineers
1317 Executive Boulevard, Suite 150
Chesapeake, Virginia 23320

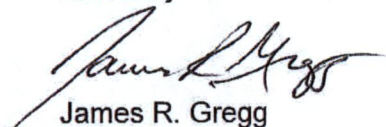
Dear Mr. MacLennan:

We of the Colonial Place-Riverview Civic League appreciate your presentation of plans for the Lydia H. Roper Home Parking Lot at our Board Meeting last month. Since then we talked to a few close-by residents who are in favor of the project, primarily because it would free up street parking for them as well as visitors. Moreover, the site could use sprucing up in accordance with your design and the landscaping you mentioned. (We would like to know what is in mind for that.) There is generally affection for the management and residents of the facility that we desire to continue. We are therefore fully supportive of the Parking Lot Project as presented.

Subsequent to earlier discussions we found that rezoning of the entire facility has been requested in order for the parking lot project to proceed. This would appear to be unnecessary for something so small and non-controversial. Perhaps a variance alone would suffice. Rezoning to "conditional R-11 (Moderate Density Multi-Family)"... "at 113-127 E. 40th Street.", (the entire holdings); may have other long term ramifications for the neighborhood that we may not presently be aware of. In discussion with some residents and at last evenings' Board Meeting we agreed to not support rezoning, unless and until satisfying information is provided by the Applicant and City.

By copy of this letter to the City we wish to make known our concerns about rezoning and request an explanation as to why the mechanics being used are necessary.

Sincerely,



James R. Gregg
President

CF: Department of City Planning
City Hall Building
810 Union Street, Room 508
Norfolk, VA



Colonial Place/Riverview Civic League

P. O. Box 6130
Norfolk, VA 23508

President
James Gregg
(757) 489-8968
president@cprv.net

January 1, 2015

George Homewood, Director of City Planning
City Hall Building
810 Union Street, Suite 508
Norfolk, VA 23510

Dear Mr. Homewood:

The Board of Directors of the Colonial Place/Riverview Civic league met on December 15, 2014 to discuss additional information provided by your office and by the contractor, AES, concerning the proposed construction of a parking lot for the Roper Home in the Riverview neighborhood.

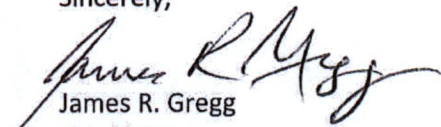
As stated previously, the residents of Riverview and Colonial Place care very much about the future of the Roper Home and are pleased that they have been a part of our neighborhood for such a long time. They have done very good work for the elderly and we appreciate their contributions to our neighborhood and to our community. We are very much in favor of their desire to provide their employees a place to park off the street.

We wish to re-state our strenuous objection to the proposal to re-zone the property as part of the proposed parking lot construction. We do not believe that re-zoning is in the best interest of our neighborhood nor do we believe it is the appropriate process to allow the proposed renovation. A simple Special Exception will properly protect the integrity of our neighborhood while at the same time allowing the proposed construction to proceed without difficulty. The Roper Home and the contractor both appear to be agreeable to the application for a Special Exception as well.

We ask that any application for re-zoning be denied and instead that a Special Exception be granted for the proposed parking lot construction.

Thank you for your consideration.

Sincerely,


James R. Gregg
President

cc: The Honorable Theresa W. Whibley, Councilperson
The Honorable Barclay Winn, Councilperson